



16 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of KIM :
U.S. Application No.: 10/564,561 :
PCT Application No.: PCT/KR2004/001733 :
Int. Filing Date: 13 July 2004 : COMMUNICATION
Priority Date Claimed: 14 July 2003 :
Attorney Docket No.: 53200.830003.US0 :
For: METHOD FOR ONLINE MANAGEMENT :
OF MEDICAL RECORD FORMS :

This is in response to the "Petition Under 37 C.F.R. §1.181 for Withdrawal of Abandonment" filed 17 November 2008.

BACKGROUND

On 13 July 2004, applicant filed international application PCT/KR2004/001733, which claimed priority of an earlier Korea application filed 14 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2006.

On 12 January 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 May 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 30 November 2006, applicant filed an executed declaration.

On 15 October 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 14 November 2008, this Office mailed a communication which vacated the Notification of Abandonment.

On 17 November 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition requests withdrawal of the holding of abandonment. Since the communication mailed 14 November 2008 served to withdraw the holding of abandonment, it is likely that applicant did not receive the communication before filing the present petition.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED AS MOOT.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459